

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

11-cr-576 (PKC)

ORDER

EARL PIERCE,

Defendant.
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CASTEL, U.S.D.J.:

Defendant Pierce has moved for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), citing, among the grounds, that the mandatory minimum sentence in his case would be lower if he were sentenced today. He was originally sentenced to 50 years, which Judge Pauley described as 5 years above the mandatory minimum. (ECF 612 at 20.) Pierce states that he was resentenced in 2017 to 45 years. It appears that the mandatory minimum at the time of resentencing was 30 years. (ECF 612 at 14.) Pierce asserts that if he were sentenced today, the mandatory minimum would be either 7 or 25 years. Is either correct?

The undersigned was not the sentencing judge and could benefit from a response memo from the government addressing, among other things, defendant's arguments, as well as his disciplinary record and program record while in the custody of the BOP. Government's memorandum is due December 1, 2023. Any reply by Pierce is due January 19, 2024.

SO ORDERED.

Dated: New York, New York
October 16, 2023



P. Kevin Castel
United States District Judge

MAILED TO DEFENDANT EARL PIERCE